

MAR 27 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE OLVERA-FRIAS, aka Jose Olivera-Frias,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-71359

Agency No. A90-555-219

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Jose Olvera-Frias, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order dismissing his appeal from an immigration judge's decision denying him relief under former 8 U.S.C. § 1182(c).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction pursuant to 8 U.S.C. § 1252. *Fernandez-Ruiz v. Gonzales*, 468 F.3d 1159, 1163 (9th Cir. 2006). We deny the petition for review.

The record does not compel the conclusion that Olvera-Frias met his burden of proving unrelinquished domicile. *See Singh-Kaur v. INS*, 183 F.3d 1147, 1150 (9th Cir. 1999) (stating that a contrary result is not compelled where there is “[t]he possibility of drawing two inconsistent conclusions from the evidence”) (internal quotation marks and citation omitted).

Olvera-Frias’ due process contention is unpersuasive. We note that the BIA did not use its affirmance without opinion procedure in this case.

PETITION FOR REVIEW DENIED.